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MAY 05 2025

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTY

IN THE UNITED STATES DISTRICT COURT

For the Southern District of California

**SECURITIES AND EXCHANGE
COMMISSION
Plaintiff,**

v.

**JAMES E. FRANKLIN,
Defendant.**

)
)
)
)
) **Case No. 02cv84 DMS (RBB)**
)
)
)

**NOTICE OF LODGMENT OF SUPPLEMENT TO MOTION TO VACATE
JUDGMENT AND DECLARATION OF JAMES E. FRANKLIN**

TO ALL PARTIES AND TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that Defendant James E. Franklin hereby lodges the following documents in support of his previously filed Motion to Vacate Judgment:

1. **Supplemental Argument in Support of Motion to Vacate Judgment** (Constitutional Violation: Ongoing Punitive Stigma-Plus Effect); and
2. **Declaration of James E. Franklin** in Support of Motion to Vacate Judgment.

These documents further support Defendant's Motion to Vacate Judgment by demonstrating additional constitutional violations based on the evolution of internet publication technologies and the ongoing punitive stigma resulting from the judgment's perpetual online presence.

IN THE UNITED STATES DISTRICT COURT

For the Southern District of California

SECURITIES AND EXCHANGE)	
COMMISSION)	
Plaintiff,)	
)	
v.)	Case No. 02cv84 DMS (RBB)
)	
JAMES E. FRANKLIN,)	
Defendant.)	

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Case No. 02cv84 DMS (RBB)

1 business contracts, employment opportunities, and financial relationships, as a direct
2 result of the published judgment. The government's action in stigmatizing Defendant,
3 coupled with these economic injuries, amounts to a deprivation of a protected liberty
4 interest without due process of law.

5
6 **IV. Chevron Overturning Strengthens the Scrutiny of SEC Conduct**

- 7 4. Following the Supreme Court's recent overturning of *Chevron* deference, the SEC's
8 practices must now be evaluated strictly against statutory authority. No statute expressly
9 authorizes the SEC to create a perpetual, punitive blacklist by online publication of civil
10 judgments. In the absence of clear congressional authorization, the Court must carefully
11 review the SEC's publication practices under constitutional principles, not agency
12 interpretation.

13
14 **CONCLUSION**

15 For the foregoing additional reasons, Defendant respectfully requests that this Court vacate the
16 judgment entered against him. In the alternative, Defendant requests the Court hold an
17 evidentiary hearing to allow for full development of the record regarding the ongoing punitive
18 consequences of the judgment's internet publication.

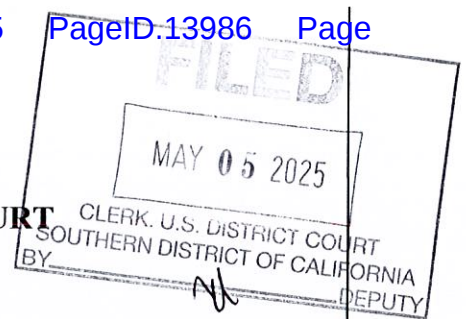
19
20 Respectfully submitted,

21
22 
23 James E. Franklin

24 jayvonfrank@gmail.com

25 Ramona, California

26 Dated: April 28, 2025



**IN THE UNITED STATES DISTRICT COURT
For the Southern District of California**

**SECURITIES AND EXCHANGE
COMMISSION
Plaintiff,**

v.

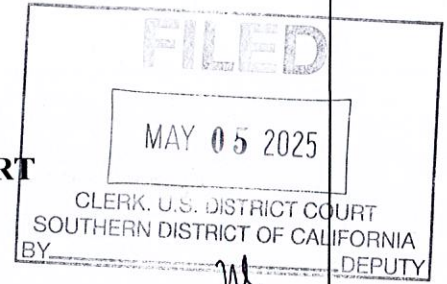
**JAMES E. FRANKLIN,
Defendant.**

Case No. 02cv84 DMS (RBB)

**DECLARATION OF JAMES E. FRANKLIN IN SUPPORT OF MOTION TO VACATE
JUDGMENT**

I, James E. Franklin, declare as follows:

1. I am the Defendant in the above-captioned case. I make this Declaration in support of my Motion to Vacate the Judgment entered against me.
2. At the time the judgment was entered, internet search technologies were in their early stages of development, and I could not have foreseen that the judgment would become globally accessible and algorithmically promoted indefinitely.
3. As a direct result of the continued online publication of the judgment by the SEC and its prominent indexing by Google and other search engines, I have suffered significant economic harm, including but not limited to:
 - o Loss of business opportunities.
 - o Denial of employment based on background searches.
 - o Inability to secure investment for lawful business ventures.
 - o Reputational harm that continues to affect my professional and personal life.



**IN THE UNITED STATES DISTRICT COURT
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**SECURITIES AND EXCHANGE
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Plaintiff,**

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**JAMES E. FRANKLIN,
Defendant.**

Case No. 02cv84 DMS (RBB)

CERTIFICATE OF SERVICE

I, James E. Franklin, certify that on **April 28, 2025**, I caused a true and correct copy of the following document:

1. **Supplemental Argument in Support of Motion to Vacate Judgment** (Constitutional Violation: Ongoing Punitive Stigma-Plus Effect); and
2. **Declaration of James E. Franklin** in Support of Motion to Vacate Judgment.

to be served as follows:

Via Email to:

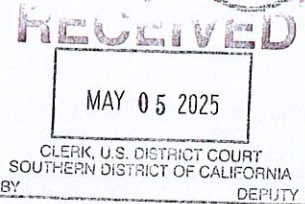
James P. Connor
U.S. Securities and Exchange Commission
202-551-8394
(Service by email only)

Via First-Class U.S. Mail to:

Clerk of Court
U.S. District Court, Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101

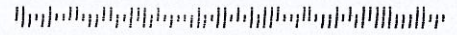
James Franklin
1212 4 Street SE 125
Rambouk, CA 92065

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SAINT PETERSBURG FL
30 APR 2025 AM 4 L



US District Court
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San Diego, CA 92101

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